

Message Text

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43

ACTION IO-14

INFO OCT-01 ISO-00 HEW-08 AID-20 NSF-04 IOE-00 CIAE-00

INR-10 NSAE-00 RSC-01 DRC-01 /059 W

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P 181655Z JAN 74

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 3444

UNCLAS GENEVA 304

DEPT: PASS TO OIH/DHEW (BELMONT)

E.O. 11652: N/A

TAGS: TPHY, OSCI, WHO

SUBJECT: N.I.A.A.A. PROPOSED RESEARCH GRANT TO WHO: CRITERIA FOR
DISABILITIES RELATED TO ALCOHOL CONSUMPTION

1. MARTIN K. TRUSTY, CONTRACTING OFFICER, NATIONAL INSTITUTE
ALCOHOL ABUSE AND ALCOHOLISM, ON NOV 29, 1973 TRANSMITTED
TO WORLD HEALTH ORGANIZATION A PROPOSAL CONTRACT (NIAAAA-74-2)
FOR WHO TO CARRY OUT SUBJECT PROJECT. MISSION HAS NOW RECEIVED
WHO COMMENTS ON PROPOSED CONTRACT WHICH ARE QUOTED BELOW.

BEGIN QUOTE:

A. WE ARE IN AGREEMENT WITH THE TEXT OF THE CONTRACT FROM THE
TECHNICAL POINT OF VIEW. WE HAVE, HOWEVER, A FEW COMMENTS TO
MAKE ON THE BUDGETARY AND LEGAL ASPECTS.

B. ARTICLE III: WE SHOULD LIKE TO AMEND THE WORDING OF PAR A
AND B TO READ "THE TOTAL FIXED PRICE OF THIS CONTRACT IS \$30,500
AND SHALL BE PAID TO THE CONTRACTOR UPON SIGNATURE OF THIS
CONTRACT." THIS MODIFICATION WOULD ENABLE WHO, UPON RECEIPT OF
FUNDS, TO ISSUE AN APPROPRIATE ALLOTMENT WITHOUT WHICH NO OBLIGA-
TIONS CAN BE INCURRED.

C. ARTICLE IV: WHILE WHO WOULD BE READY TO ACCEPT THE APPLICATION
OF LOCAL LAW, IT WOULD MAINTAIN ITS IMMUNITY FROM THE JURISDICTION
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OF THE UNITED STATES COURTS, SINCE IT IS IMMUNE FROM THE JURIS-

DICTION OF THESE COURTS UNDER THE INTERNATIONAL ORGANIZATIONS
IMMUNITIES ACT (PL 291). EITHER THE WORDS IN THE ARTICLE AFTER
"LAWW OF THE UNITED STATES" IN THE FIFTH LINE SHOULD BE DELETED,
OR REPLACED BY AN ARBITRATION CLAUSE.

D. THE FOLLOWING PROVISIONS WHICH ARE GENERALLY NOT APPLICABLE
TO WHO AND WHICH HAVE BEEN DELETED IN OTHER CONTRACTS, SHOULD BE
DELETED - 2 (DISPUTES, 5 (CONVICT LABOUR), 10 (CONVENANT AGAINST
CONTINGENT FEES), 13 (REPORTING OF ROYALTIES), 18 (EXAMINATION
OF RECORDS, 24(D) (DETERMINATION OF COSTS IN CASE OF TERMINATION).

END QUOTE

2. WHO REQUESTS MISSION TO DETERMINE WHETHER THOSE SUGGESTED
CHANGES ARE ACCEPTABLE SO THAT THE DIRECTOR GENERAL MAY SIGN
THE CONTRACT AND ENSURE IMPLEMENTATION OF THE WORK WITHOUT DELAY.

3. PLEASE ADVISE.BASSIN

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